IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 418 OF 2000.

1. Shri Ganashyam Arolkar,
   Ward No.2.

2. Shri Ravindranath Rauji Palkar,
   Ward No. 3, Near Maruti Tembple.

3. Shri Maruti Anant Rane,
   Ward No. 3, Near Maruti Temple.

4. Shri Prabhakar Gawas,
   Ward No. 3, Kerkarwada.

5. Shri Sadanand M. Satoskar,
   Ward No. 3, Kerkarwada.

6. Shri Madhu Rama Kashalkar,
   Ward No.1, Owner Marksons Bar.

7. Shri Vishnu Dicholkar,
   Ward No.2, Near Laxmi Narayan Temple,
   all r/o Sada, Vasco. .... Petitioners.

Versus

1. Mamlatdar of Mormugao Taluka,
   Vasco-da-Gama, Goa.

2. The Secretary (Revenue),
   having office at Secretariat,
   Panaji, Goa.

3. Administrative Tribunal of Goa,
   Panaji, Goa.

4. Shri Sakharam Narayan Amerkar,
   r/o Ward No.2, Near Laxmi Narayan
   Temple, Headland, sada,
   Mormugao, Goa.

5. Shri Naresh Keshav Ansurkar,
No.5 resident of Sada
Mormugao, Goa.

6. Shri Babiu Vishnu Salgaonkar,
r/o Ward No. 3, Bhatwadi,
sada, Vasco, Goa. .... Respondents.

Shri Nitin Sardessai, Advocate for the Petitioners.

Shri G. Shirodkar, Additional Government Advocate for the Respondlents No.1 and 2.

Mr. M.S. Sonak, Advocate for the Respondents No. 4 and 5.

CORAM: R.M.S. KHANDEPARKAR, J.

DATE: 7th SEPTEMBER, 2006.

ORAL JDUGMENT:

Heard.

2. In this petition the petitioners basically challenge the Order passed by the Administrative Tribunal in relation to the validity of the election to the Managing Committee of Shri Laxmi Narayan Devalaya at Vasco. The election had taken place in the year 2000 for a period of five years. The period has already expired. Considering the same, the learned Advocate for the petitioners has fairly submitted that the challenge to the election no more survives and the petition to that extent has become infructuous. It is however his contention on behalf of the petitioners that there are certain observations in the impugned judgment in relation to the

status of certain persons as the Mahajans of the said Devalaya and there is a Civil Suit which was originally registered as No. 31/01/A pending before the Civil Judge Senior Division, Vasco which has now been transferred to the Civil Judge (Fast Track Court) at Margao, being registered as Civil Suit No. 32/2004 and those observations may influence the said Fast Track Court in deciding the dispute regarding the status of those persons as claimed by them.

3. Undoubtedly, perusal of the impugned order discloses certain observations granting status of Mahajanship to certain persons and it is not in dispute that there is a Civil Suit pending between the parties disputing the right of certain persons to be Mahajans of the said temple. Needless to say that since the Civil Suit is pending to decide their status as Mahajans, the observations made by the Administrative Tribunal while dealing with the matter relating to election, shall not influence the Civil Court in deciding the said issue. On this observation being made, nothing survives in the petition and the petition is disposed of.

Rule is accordingly discharged, with no order as to costs.

R.M.S. KHANDEPARKAR, J.

sl.